

REMARKS

Claims 73 – 90 and are pending, and claims 73 – 90 stand rejected. Claims 1- 72 have been previously withdrawn from consideration. Claim 77 has now been canceled. The applicant respectively requests allowance of claims 73 – 76, and 78 – 90.

Claims 78 – 81 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 78 has been amended to clarify that “the flow tube is held in the tube opening of the fixture block” and that the first and second sections are inserted between the first and second legs of the base. Claim 79 has been amended to clarify that a driver is attached to the flow tube using the driver opening and at least one pick-off is attached to the flow tube using the pick-off opening. Claim 80 has been amended to clarify that the alignment means is used to hold the driver and at least one pick-off in an aligned position with respect to the flow tube while being attached to the flow tube. Claim 81 has been amended to clarify that the securing means is used to secure the first and second sections to the base. With these amendments it is believed that the 112, second paragraph rejection has been overcome and the claims are allowable as amended.

Claims 73, 74 and 77 are rejected under 35 U.S.C 103(a) as being unpatentable over Nishiyama et al (US 5307689) in view of Lanham et al (WO 01/65213) or Gomi et al (EP 997709), in view of Japan 877 (JP 60-112877) and Storick (WO 95/06562).

Claim 73 has been amended to include all the limitations from canceled claim 77. Claim 73 is a method of assembling a flow meter. Claim 73 requires holding the section of the flow tube extending between the two legs in an essentially straight configuration

while the adhesive cures. The prior art reference (or references when combined) must teach or suggest all the claim limitations. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). Nishiyama is a patent that claims a flow meter in the assembled state. Nishiyama does not talk about or teach how the flow meter is assembled. Nishiyama does not have any description on how it would hold the flow meter tube in an essentially straight configuration during assembly. None of the cited art teach how a flow tube extending between two legs can be held in an essentially straight configuration while an adhesive cures, therefore the claim is allowable as amended.

Claims 74 – 76 and 78 – 90 depend on allowable claim 73 and are therefore allowable.

Claim 89 is rejected under 35 U.S.C 103(a) as being unpatentable over Nishiyama et al (US 5307689) in view of Lanham et al (WO 01/65213) or Gomi et al (EP 997709), and in view of Japan 877 (JP 60-112877), Storick (WO 95/06562) and Cage 827 (US 5753827) and further of Cage 060 (US6439060). Claim 89 is a method for assembling a flow meter. Claim 89 requires aligning a plurality of components to a predefined set of locations along the flow tube, attaching the components to the flow tube, testing the position of the plurality of components, and adjusting the predefined locations based on the results of the tested position. By adjusting the predefined locations (not the location of the actual components already attached to the flow tube), the next flow meter will be assembled using the adjusted predefined locations. Using this method, each flow tube assembled will help align the predefined positions of the plurality of components for flow tubes assembled after the current flow tube has been assembled. Cage adjusts the masses so as to balance the current flow tube. Once the masses have been balanced the new

position of the masses have no effect on the position of masses in the assembly of additional flow tubes. In other words, cage shows how to adjust a single flow tube. The current method shows how to adjust the assembly process for assembling a flow tube. Therefore claim 89 is allowable as amended.

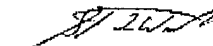
Conclusion

Based on the above remarks, the Applicants submit that claims 73 – 76, and 78 – 90 are allowable. There may be additional reasons in support of patentability, but such reasons are omitted in the interests of brevity. The Applicants respectfully request allowance of claims 73 – 76, and 78 – 90.

Any fees may be charged to deposit account 502622.

Respectfully submitted,

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